OHIO STATE LAW JOURNAL

Volume 16
1955

COLLEGE OF LAW
THE OHIO STATE UNIVERSITY
COLUMBUS, OHIO
1955

LC 1161
037 03
v.16

CONTENTS

Volume 16

Table of Leading Articles—Authors iii

Table of Leading Articles—Titles v

Subject Index vii

Table of Cases Noted x

Copyright 1956
By THE OHIO STATE UNIVERSITY

TABLE OF LEADING ARTICLES—AUTHORS

ALLOWAY, R. BROOKE AND DELEONE, JAMES F.—*New Ohio Workman's Compensation Act* 515

ATKINSON, THOMAS E.—*Reexamination of the Procedural Aspects of The Statute of Limitations* 157

BUNGE, ARNOLD F., JR. AND BUNGE, ARNOLD F., SR.—*Proceedings In Aid of Execution* 17

BUNGE, ARNOLD F., SR. AND BUNGE, ARNOLD F., JR.—*Proceedings In Aid of Execution* 17

CALLAHAN, CHARLES C.—*Statutes of Limitation—Background* 130

DAMPEER, JOHN L.—*General Corporation Law and Non-Profit Corporation Law* 466

DEFELICE, VINCENT AND DWORK, DR. RALPH E.—*Hospitalization of Tuberculosis Patients* 492

DELEONE, JAMES F. AND ALLOWAY, R. BROOKE—*New Ohio Workman's Compensation Act* 515

DOYLE, EDMUND D.—*The Federal Income Tax Statutes of Limitation* 259

DUFFEY, JOHN J.—*Condemnation of Structures* 462

DWORK, DR. RALPH E. AND DEFELICE, VINCENT—*Hospitalization of Tuberculosis Patients* 492

EASTMAN, JOHN R. AND KANE, FRANK E.—*Commencement of an Action in Ohio for the Purpose of The Statute of Limitations* 140

EBERLY, FRANCIS J.—*Ohio Statutes of Limitation on Claims Against Estates* 206

FORKOSCH, MORRIS D.—*Jurisdiction and Its Impact on State Powers* 301

FORNOFF, CHARLES W.—*Creditor's Bills* 32

FULDA, CARL H.—*Legatees Behind the Iron Curtain* 496

FULDA, CARL H. AND KLEMME, HOWARD C.—*The Statute of Limitations in Antitrust Litigation* 233

FULDA, CARL H. AND KLEMME, HOWARD C.—*The Statute of Limitations in Antitrust Litigation II* 434

GILL, JOSEPH B.—*Sovereign Immunity Under Statutes of Limitation* 178

GRIFFIN, MARY LOU—*The N.L.R.B.: A Twenty Year Chronology* 294

A127641

HOFFMAN, FRED—*Amendments Relating to Special Verdicts* 454

HUMPHREY, HELEN F.—*The Employer's Duty to Bargain* 403

KANE, FRANK E. AND EASTMAN, JOHN R.—*Commencement of an Action in Ohio for the Purpose of The Statute of Limitations* 140

KLEMME, HOWARD C. AND FULDA, CARL H.—*The Statute of Limitations in Antitrust Litigation* 233

KLEMME, HOWARD C. AND FULDA, CARL H.—*The Statute of Limitations in Antitrust Litigation II* 434

LANE, CHESTER T.—*Statutes of Limitation in Criminal Law: The Perjury Dilemma* 219

MADDEN, J. WARREN—*Comment and Appraisal* 427

MATHEWS, ROBERT E.—*Foreword—Trends in NLRB Policy* 291

MCLESKY, CLAUDE W. AND MCLESKEY, WAYMAN B.—*Dormancy and Revival of Ohio Judgments* 81

MCLESKY, WAYMAN B. AND MCLESKY, CLAUDE W.—*Dormancy and Revival of Ohio Judgments* 81

NADLER, MYRON J.—*Exemptions* 63

NORDSTROM, ROBERT J.—*Ohio's Borrowing Statute of Limitations: A Quaking Quagmire In A Dismal Swamp* 183

ROWEN, JAMES AND WOLLETT, DONALD H.—*Employer Speech, Interrogation and Espionage* 380

SOUERS, LOREN E.—*Judgment Liens In Ohio* 1

VAN ARKEL, GERHARD P.—*Bargaining Units and Contract Bars* 360

WILLS, ROBERT L.—*Wrongful Death and Personal Injuries: Joinder of Causes of Action and Counterclaims* 501

WOLLETT, DONALD H. AND ROWEN, JAMES—*Employer Speech, Interrogation and Espionage* 380

TABLE OF LEADING ARTICLES—TITLES

AMENDMENTS RELATING TO SPECIAL VERDICTS. *Fred L. Hoffman* 454

BARGAINING UNITS AND CONTRACT BARS. *Gerhard P. Van Arkel* 360

COMMENCEMENT OF AN ACTION IN OHIO FOR THE PURPOSE OF THE STATUTE OF LIMITATIONS. *John P. Eastman and Frank E. Kane* 140

COMMENT AND APPRAISAL. *J. Warren Madden* 427

CONDEMNATION OF STRUCTURES. *John J. Duffey* 462

CREDITOR'S BILL. *Charles W. Fornoff* 32

DORMANCY AND REVIVAL OF OHIO JUDGMENTS. *Waymon B. McLesky and Claude W. McLesky* 81

EMPLOYER'S DUTY TO BARGAIN. *Helen F. Humphrey* 403

EMPLOYER SPEECH, INTERROGATION AND ESPIONAGE. *Donald H. Wollett and James Rowen* 380

EXEMPTIONS. *Myron J. Nadler* 63

FEDERAL INCOME TAX STATUTES OF LIMITATION. *Edmund D. Doyle* 259

FOREWORD—TRENDS IN NLRB POLICY. *Robert E. Mathews* 291

GENERAL CORPORATION LAW AND NON-PROFIT CORPORATION LAW. *John L. Dampeer* 466

HOSPITALIZATION OF TUBERCULOSIS PATIENTS. *Vincent E. DeFelice and Dr. Ralph E. Dwork* 492

JUDGMENT LIENS IN OHIO. *Loren E. Souers* 1

JURISDICTION AND ITS IMPACT ON STATE POWERS. *Morris D. Forkosch* 301

LEGATEES BEHIND THE IRON CURTAIN. *Carl H. Fulda* 496

N.L.R.B.: A TWENTY YEAR CHRONOLOGY. *Mary Lou Griffin* 294

NEW OHIO WORKMAN'S COMPENSATION ACT. *James F. DeLeone and R. Brooke Alloway* 515

OHIO'S BORROWING STATUTE OF LIMITATIONS: A QUAKING QUAGMIRE IN A DISMAL SWAMP. *Robert J. Nordstrom* 183

OHIO STATUTES OF LIMITATION ON CLAIMS AGAINST ESTATES. *Francis J. Eberly* 206

PROCEEDINGS IN AID OF EXECUTION. *Arnold F. Bunge, Sr. and Arnold F. Bunge, Jr.* 17

Reexamination of the Procedural Aspects of the Statute of Limitations. *Thomas E. Atkinson* 157

Sovereign Immunity Under Statutes of Limitation. *Joseph B. Gill* 178

Statute of Limitations in Antitrust Litigation. *Carl H. Fulda and Howard C. Klemme* 233

Statute of Limitations in Antitrust Litigation II. *Carl H. Fulda and Howard C. Klemme* 434

Statutes of Limitation—Background. *Charles C. Callahan* 130

Statutes of Limitation in Criminal Law: The Perjury Dilemma. *Chester T. Lane* 219

Wrongful Death and Personal Injuries: Joinder of Causes of Action and Counterclaims. *Robert L. Wills* 501

SUBJECT INDEX

ACTS
Statutes of Limitation (See this subject)
Survey of 1955 Ohio Legislation (See this subject)

AGENCY
Rebuttable Presumption that Owner and Occupant of Vehicle Controls Operator—Where Wife is Owner and Husband Operator 623

ATTORNEYS
Legal Profession—Disbarment—Solicitation and Maintenance 114

AUTOMOBILES
Agency—Rebuttable Presumption that Owner and Occupant of Vehicle Controls Operator — Where Wife is Owner and Husband Operator 623
Certificate of Title Act—Right of Out of State Claimants 625
Torts—Negligence—Violation of Municipal Ordinance 281

COMMON CARRIERS
Constitutional Law — Interstate Commerce—State Enforcement of Size and Weight Regulations 270
Constitutional Law—State Taxation of Gross Receipts From Interstate Commerce 271
Duty to Serve Strikebound Shipper 108

CONDEMNATION
Condemnation of Structures 462

CONFLICT OF LAWS
Automobiles—Certificate of Title Act—Right of Out of State Claimants 625
Ohio's Borrowing Statute of Limitations—A Quaking Quagmire in a Dismal Swamp 183
Statute of Limitations in Anti-trust Litigation 233
Statute of Limitations in Anti-trust Litigation II 434

CONSTITUTIONAL LAW
Contempt — Taking Photograph Against Judge's Orders 274
Criminal Law — Indeterminate Sentence—Due Process 438
Interstate Commerce—State Enforcement of Size and Weight Regulations 270
Jurisdiction and Its Impact on State Powers 301
Right of Press To Be Present During Criminal Trial 449
State Taxation of Gross Receipts From Interstate Commerce 271
Statutes of Limitation in Criminal Law: The Perjury Dilemma 219

CONTEMPT
Taking Photograph Against Judge's Orders 274

CONTRACTS
Punitive Damages — Fraud In The Sale of Real Estate 447
Torts—Liability of Construction Subcontractor — Work Turned Over to Contractor 123

CORPORATIONS
General Corporation Law and Non-Profit Corporation Law 466

CRIMINAL LAW
Indeterminate Sentence — Due Process 438
Right of Press To Be Present During Criminal Trial 449
Statutes of Limitation in Criminal Law: The Perjury Dilemma 219

DAMAGES
Common Carriers—Duty to Serve Strikebound Shipper 108
Punitive Damages — Fraud In The Sale of Real Estate 447

DECEDENT'S ESTATES
Ohio's Statutes of Limitation on Claims Against Estates 206
Torts—Parent and Child—Wrongful Death Action Against Parent 125
Wrongful Death—Interpretation of "Children" in Wrongful Death Statute—Status of Illegitimate Child 127
Wrongful Death and Personal Injuries: Joinder of Causes of Action and Counterclaims 501

DOMESTIC RELATIONS
Discretionary Power of Court to Order Surgery for Child Over Parent's Objections 629

EASEMENTS
Common Driveway — Used By Two Owners For More Than 21 Years—Prescriptive Rights Acquired 441

EMINENT DOMAIN
Sovereign Immunity Under Statutes of Limitation 178

EXECUTIONS
Creditor's Bill 32
Dormancy and Revival of Ohio Judgments 81
Exemptions 63
Proceedings In Aid Of Execution 17

ILLEGITIMATE CHILDREN
Wrongful Death—Interpretation of "Children" in Wrongful Death Statute—Status of Illegitimate Child 127

INSURANCE
Duty to Defend Action Against Insured 276
Tort Liability—Delay in Acting Upon an Application 111

INTERSTATE COMMERCE
Common Carriers—Duty to Serve Strikebound Shippers 108
Constitutional Law — State Enforcement of Size and Weight Regulations 270
Constitutional Law—State Taxation of Gross Receipts From Interstate Commerce 271

JUDGMENTS
Dormancy and Revival of Ohio Judgments 81
Exemptions 63
Judgment Liens in Ohio 1
Proceeding In Aid Of Execution 17

JURISDICTION
Jurisdiction and Its Impact on State Powers 301
Labor Law: States' Rights and Federal Supercedure — Jurisdiction Over Stranger Picketing 443
Ohio's Borrowing Statute of Limitations: A Quaking Quagmire In A Dismal Swamp 183
Present Status—Applicability of Federal Law to Cases Involving Unfair Competition 614

LABOR LAW
Duty to Bargain—One-Year Certification Rule 279
NLRB (See this subject)
States' Rights and Federal Supercedure — Jurisdiction Over Stranger Picketing 443

LAWS
Statutes of Limitation (See this subject)
Survey of 1955 Ohio Legislation (See this subject)

LEGAL PROFESSION
Disbarment — Solicitation and Maintenance 114

LEGISLATION
Statutes of Limitation (See this subject)
Survey of 1955 Ohio, Legislation (See this subject)

LIENS
Effect of Federal Tax Liens on Ohio Real Property 92
Judgment Liens in Ohio 1

MEDICO-LEGAL
Domestic Relations — Discretionary Power of Court to Order Surgery for Child Over Parent's Objections 629
Hospitalization of Tuberculosis Patients 492
Workmen's Compensation—Personal Injury—Neurosis 287

MINORS
Torts — Parent and Child — Wrongful Death Action Against Parent 125
Wrongful Death—Interpretation of "Children" in Wrongful Death Statute—Status of Illegitimate Child 127

MUNICIPAL GOVERNMENT
Sovereign Immunity Under Statutes of Limitation 178

NLRB
Bargaining Units and Contract Bars 360
Comment and Appraisal 427
Employer's Duty to Bargain 403
Employer Speech, Interrogation and Espionage 380
Forward 291
Jurisdiction and Its Impact on State Powers 301
N.L.R.B.: A Twenty Year Chronology 294

PLEADINGS
Reexamination of the Procedural Aspects of The Statute of Limitations 140
Wrongful Death and Personal Injuries: Joinder of Causes of Action and Counterclaims 501

PRACTICE AND PROCEDURE
Amendments Relating to Special Verdicts 454
Condemnation of Structures 462
Criminal Law — Indeterminate Sentence—Due Process 438
Right of the Press To Be Present During Criminal Trial 449
Statutes of Limitation (See this subject)
Trial Practice—Special Verdict—Conclusions of Law — Failure to Find on All Issues 120
Wrongful Death and Personal Injuries: Joinder of Causes of Action and Counterclaims 501

PROPERTY
Condemnation of Structures 462
Easements — Common Driveway —Used By Two Owners For More Than 21 Years — Prescriptive Rights Acquired 441
Effect of Federal Tax Liens on Ohio Real Property 92
Personal Property — Joint and Survivorship Bank Accounts—Right of Survivorship 117

SESSION LAWS
Survey of 1955 Ohio Legislation (See this subject)

STATUTES
Statutes of Limitation (See this subject)
Survey of 1955 Ohio Legislation (See this subject)

STATUTES OF LIMITATION
Background 130
Commencement of an Action in Ohio for the Purpose of The

Statute of Limitations 140
Federal Income Tax Statutes of Limitation 259
Ohio's Borrowing Statute of Limitations: A Quaking Quagmire In A Dismal Swamp 183
Ohio Statutes of Limitation on Claims Against Estates 206
Reexamination of the Procedural Aspects of The Statute of Limitations 157
Sovereign Immunity Under Statutes of Limitation 178
Statute of Limitations in Antitrust Litigation 233
Statute of Limitations in Antitrust Litigation II 434
Statutes of Limitation in Criminal Law: The Perjury Dilemma 219

SURVEY OF 1955 OHIO LEGISLATION
Amendments Relating to Special Verdicts 454
Condemnation of Structures 462
Foreword 453
General Corporation Law and Non-Profit Corporation Law 466
Hospitalization of Tuberculosis Patients 492
Legatees Behind the Iron Curtain 496
New Ohio Workman's Compensation Act 515
Wrongful Death and Personal Injuries: Joinder of Causes of Action and Counterclaims 501

TAXATION
Constitutional Law—State Taxation of Gross Receipts From Interstate Commerce 271
Effect of Federal Tax Liens on Ohio Real Property 92
Federal Income Tax Statutes of Limitation 259

TORTS
Agency—Rebuttable Presumption that Owner and Occupant of Vehicle Controls Operator — Where Wife is Owner and Husband Operator 623
Common Carriers—Duty to Serve Strikebound Shipper 108
Insurance—Tort Liability—Delay in Acting Upon an Application 111
Liability of Construction Subcontractor — Work Turned Over to Contractor 123
Negligence—Violation of Municipal Ordinance 281
Parent and Child — Wrongful Death Action Against Parent 125
Punitive Damages — Fraud In The Sale of Real Estate 447
Wrongful Death—Interpretation of "Children" in Wrongful Death Statute—Status of Illegitimate Child 127

UNEMPLOYMENT COMPENSATION
Vacation Period—Union Contract 284

UNFAIR COMPETITION
Present Status—Applicability of Federal Law to Cases Involving Unfair Competition 614

WILLS
Legatees Behind the Iron Curtain 496
Pretermitted Heirs 631

WORKMEN'S COMPENSATION
New Ohio Workman's Compensation Act 515
Personal Injury—Neurosis 287

WRONGFUL DEATH
Interpretation of "Children" in Wrongful Death Statute — Status of Illegitimate Child 127
Torts—Parent and Child—Wrongful Death Action Against Parent 125
Wrongful Death and Personal Injuries: Joinder of Causes of Action and Counterclaims 501